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Attorneys for Defendants Leonid Pogoriler,
One of a Kind Transport Inc.,
All Around Management Inc., and
All Points Transportation Group, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

-----X
JAVIER ESPINAL, XAVIER ROSARIO,
LUIGI DORTONO and MANUEL DELGADO,
SABUHAN AZIROV and all other similarly
situated,

Plaintiffs,

18 CV 00738

-against-

LEONID POGORILER, PETER CREUS, ONE OF A
KIND TRANSPORT INC., ALL AROUND
MANAGEMENT INC., and ALL POINTS
TRANSPORTATION GROUP, INC., YAN MOSHE,
NAZAR NIKSON, MNB T CORP., EXEC SURGERY
CENTER, LLC, HEALTH PLUS SURGERY CENTER,
LLC and JOHN DOE DEFENDANTS 1-10,

Defendants.

-----X
ANSWER TO THE PLAINTIFFS FIRST AMENDED COMPLAINT
AND COUNTER CLAIM FOR ATTORNEY FEES AND COSTS

The Defendants, Leonid Pogoriler, One of a Kind Transport Inc., All Around Management Inc., and All Points Transportation Group, Inc., by and through their counsel, for its First Amended Answer to Plaintiffs claims alleged in the Complaint respectfully responds and alleges as follows:

1. The Defendants lack sufficient knowledge as to form a belief as to the

truth of the allegations contained in paragraphs, 13, 14, 15, 16, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 40, 43, 44, 45, 48, 49, 53, 54, 56, 57, 58, 59, 60, 61, 66, 70, 75, 76, 77, 79, 80, 82, 83, 84, 85, 86, 87, 88, 89, 90, 93, 94, 95, 96, 97, 116, 117, 125, 128, 132, 138, 149, 156, 164, 172, 179, 188, 193 and 195.

2. The Defendants deny the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 31, 34, 35, 36, 37, 38, 39, 41, 42, 46, 47, 50, 51, 52, 55, 62, 63, 64, 65, 67, 68, 69, 71, 72, 73, 74, 78, 81, 91, 92, 98, 99, 100, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 121, 122, 123, 124, 126, 127, 129, 130(a-h), 131, 133, 134, 135, 136, 137, 139, 140, 141, 142, 144, 145, 146, 147, 148, 150, 151, 152, 153, 155, 157, 158, 160, 161, 162, 163, 167, 169, 170, 171, 173, 175, 176, 177, 178, 181, 182, 183, 184, 185, 186, 187, 189, 190, 191, 192, 194, 197, 198, 199 200 and 201.
3. The Defendants deny all of the allegations in paragraph 101, except that the SCD's drive miles in performance of their duties.
4. The Defendants deny the allegations contained in paragraph 105, 106, 107, 120, 143, 154, 159, 165, 166, 168, 174, 180, 188 and 196, however, we leave all interpretations of Laws and the U.S. Tax Code to the Courts discretion.
5. The defendants deny all the allegations in paragraph 128, however they do

admit that they have independent contractors who work for them, however they employ substantially less than 40 people.

DEFENSES

7. Plaintiffs failed to state a claim upon which relief can be granted.
8. Plaintiffs are barred from maintaining its claims for failing to assert its claims with specific particularity.
9. Plaintiffs are barred from recovering due to the doctrine of unclean hands based on the outrageous conduct of the Plaintiffs.
10. Plaintiffs' Claims are barred by the Statute of Limitations.
11. Statutory defenses under 42 U.S.C. 1324(a)
12. Plaintiff does not constitute any legally recognized class.

AS AND FOR THE FIRST COUNTERCLAIM

13. Should the defendants constitute the prevailing party in the action, the defendants counterclaim for reasonable attorney fees and costs pursuant to 42 U.S.C. 2000a-3(b).

WHEREFORE, the Defendants, through their Attorney, prays for judgment as follows:

1. The Plaintiffs be denied all relief requested;
2. That Defendants be awarded the costs and attorneys' fees in defending against Plaintiffs' claims;
3. That Plaintiffs be sanctioned for filing and prosecuting a frivolous lawsuit;
4. That Defendants be awarded any such other and further relief as this Court may deem just and proper.

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

The subject of this matter is not the subject of any other legal action pending in any other Court or the subject of any pending arbitration or administrative proceeding.

Dated: May 20, 2018

By: /s/ Michael McDonough

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